

REMARKS

The above-noted Official Action mailed November 1, 2006 has been received and carefully studied.

Entry of the foregoing Amendment and reconsideration of the application in view of the above Amendment and the following remarks are hereby requested. This Amendment is being filed under 37 CFR § 1.114, concurrently with a Request for Continued Examination (RCE).

By this Amendment, claim 1, the only independent claim remaining under prosecution, has been amended to even further particularize the advantageous features of applicant's invention over the single reference being relied upon by the Examiner, namely **Sanders (No. 5,773,101)**.

More specifically, claim 1 has been amended herein to specify that the unique camouflage pattern of the present invention comprises at least one image of "the wings of a moth or butterfly." As pointed out in applicant's prior Amendment filed under Rule 111, **Sanders** is devoid of any teaching or suggestion whatsoever of a camouflage pattern comprising at least one image of a flying insect such as a moth or butterfly, let at least one image of the "wings" of a moth or butterfly. Only applicant teaches that images of such animal parts may be used as camouflage, and in the absence of a fair

teaching of same is entitled to patent protection for his contribution. For the foregoing reason, claim 1, particularly as amended herein, now clearly avoids the Examiner's rejection as being obvious in view of **Sanders** under 35 U.S.C. 103, and should be allowed forthwith.

Claim 5, has been amended herein to specify that the "moth wing" image making up applicant's camouflage pattern may be combined with natural elements including a plant or a part thereof commingled therewith. Certainly, **Sanders** fails to teach or suggest the *specific combination* of commingled images of a plant and of "moth wings." For this additional reason, claim 5, particularly as amended herein, is believed to patentably distinguish over the **Sanders** reference and should also be allowed forthwith for this additional reason.

New dependent claims 17 and 18 have been added to provide more adequate protection for applicant's contribution. Claim 17 adds to the subject matter of parent claim 1, that the camouflage pattern comprises images of wings of a moth or butterfly wherein the image is a combination of the "wings" from two different species of moth. Similarly, new dependent claim 18 adds that the camouflage pattern comprises images of "wings" of a moth or butterfly wherein the image is a combination of the "wings" from three different species of moth. The **Sanders** reference by no stretch discloses or suggests such a camouflage pattern. Accordingly, for these

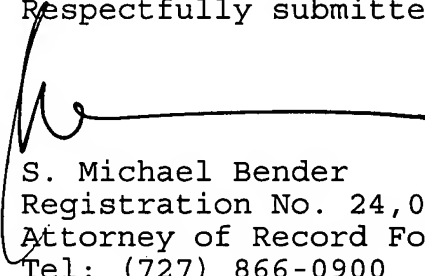
additional reasons, new dependent claims 17 and 18 avoid the Examiner's rejection as being obvious in view of **Sanders** under 35 U.S.C. 103, and also should be allowed forthwith.

All outstanding grounds of rejection are believed to have been overcome by this Amendment. Hence, the application now is deemed to be in condition for immediate allowance containing allowed claims 1, 5 and 17-18, and such favorable action earnestly is solicited.

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Examiner Dicus is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

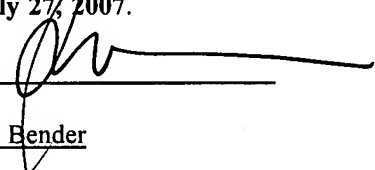
Respectfully submitted,



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CERTIFICATE OF MAILING

The undersigned hereby certifies that this **AMENDMENT UNDER 37 § 1.114** is being deposited with the United States Postal Service in an envelope addressed to: MS RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on **July 27, 2007**.

Signed on (Date) 7/27/07 by (Signature) 

Name of Person Signing Certificate: S. Michael Bender